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SERMON

Preached in the
Cathedral Church of *Chichester*,

At a Special Affize held there *January* 16 1748-9,

B Y

The Honourable Mr. Justice *FOSTER*,
The Honourable Mr. Baron *CLIVE*,

A N D

The Honourable Mr. Justice *BIRCH*.

By *WILLIAM ASHBURNHAM*, A. M. *As*
Dean of *CHICHESTER*.

Published at the Request of
His Grace the Duke of *RICHMOND*, &c.
And the Gentlemen of the Grand-Jury.

L O N D O N :

Printed for *JOHN JOLLIFFE*, Bookseller, in *St. James's-street*.

SERMON

Preached in the

Cathedral Church of Chichester,

At the Anniversary of the Translation of St. Peter, 1788.

By the Honorable the Justice ROBERT
THE HONORABLE the Baron C. L. L. E.

The Honorable the Justice ROBERT



Printed by the Author, at the Sign of the

Three Crowns, in the Strand, near the Temple.

1788.

LONDON: Printed by the Author, at the Sign of the

Three Crowns, in the Strand, near the Temple.

TO HIS GRACE

C H A R L E S,

Duke of *Richmond, Lenox, and Aubigny,*

Lord High Steward of the City of *Chichester,*

TO

G E O R G E L U X F O R D, Esq;

High Sheriff of the County of *Sussex,*

AND TO

Sir John Miller, *Bart.*

Sir Matthew Featherston Haugh,
Bart.

Sir Thomas Ridge, *Knt.*

John Page,

George Bramston,

William Battine,

John Wicker,

Edward Tredcroft,

William Wicker,

Samuel Blunt,

William Poole,

Peckham Williams,

Tho. Bettsworth Bilson,

Thomas Phipps,

William Mitford,

James Goble,

John Cheale,

William Leeves,

Richard Nash,

Thomas Fowler,

William Peckham,

Walter Bartelot,

John Hollist,

Francis Peachey,

John Laker,

William Peachey,

John Pay,

} Esqrs.

} Gents.

Gentlemen of the Grand-Jury.

My Lord and Gentlemen,

THE Approbation you were pleased to express
of the ensuing Sermon, at the Time it was
delivered, and your unanimous Request that it might

appear in a more publick Manner, are the Reasons that have induced me, much against my own Inclination, to publish so imperfect a Discourse. It would be extreme Presumption in me, to entertain a Thought of its meeting with the same favourable Acceptance from the World, that it had from You; all that I can hope for is, that it may find Shelter under your Protection: Permit me, therefore, to inscribe it to your Names, and to assure you that I am, with great Regard,

My LORD,

and

GENTLEMEN,

Your most Obedient, and

most Humble Servant,

WILLIAM ASHBURNHAM.

JOB xxix. 14, 15, 16.

*I put on Righteousness and it cloathed
me, my Judgment was as a Robe
and a Diadem.*

*I was Eyes unto the Blind, and Feet
was I to the Lame.*

*I was a Father to the Poor, and the
Cause, which I knew not, I search-
ed out.*

THAT Job was a Person of great Eminence both for his Birth and Station, that he had the supreme Rule and Government, or was at least a principal Magistrate of the Place he dwelt in, appears plainly from this Chapter, whence the Text is taken. *When I came in Presence,* says he, *the young Men saw me, and hid themselves, and the aged arose and stood up; the Princes refrained talking, and the Nobles held their Peace; I sat as Chief, and dwelt as a King in the Army, and all Men gave Attention*

Attention to my Words, and kept Silence at my Counsel.

But whatever was the particular State of this illustrious Person, whether he was invested with the supreme Power itself, or acted only by Commission under it, this is certain, that the Integrity of his Conduct is a Pattern worthy the Imitation, and was recorded doubtless that it might be imitated by those, who should in After-ages be honoured with the like Employment, and fill the same high Office with himself. *I put on Righteousness and it cloathed me, my Judgment was as a Robe and a Diadem.* Expressing the great Love he had to Justice, and the Pleasure he took in exercising Judgment; that what a Robe, and a Diadem, was usually to other Men, that the doing Justice and Judgment was to Him; the great Object of his whole Desire, the Thing he principally placed his Glory and Delight in. For that we are thus to understand the Metaphor in the Text, is plain from a like Expression made use of by the royal Prophet, who, speaking of the Wicked, says, that he *cloathed himself with Cursing like a Garment*: which Expression in the Verse immediately succeeding he explains

plains by telling us, that his *Delight was in Cursing*. So that what we are here to understand of *Job* is, that his greatest Satisfaction and Delight was to administer Justice righteously; that his Sense of true Honour, was not that which reflected from these external Marks of Dignity and State, but which sprang from those Virtues, of which these were but the outward Signs. *He put on Righteousness as a Garment, and cloathed himself with Judgment, as with a Robe and a Diadem.*

The Things then, which naturally offer themselves to our Consideration from the Words before us, are these three,

First, The Duties, which this great Example represents to us, and which more immediately belong to Magistrates, and those who are invested with publick Authority.

Secondly, How great a Blessing every good Magistrate must be to the State, and Community, whereunto he belongs. And

Thirdly, The personal Respect and Reverence, with which he ought to be treated upon that Account.

The first then of those Duties to which we are led by this great Example, is that of
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doing Justice and Judgment with Zeal and Chearfulness.----- Now Justice is a Virtue that not only in the common Consideration of it is, as every other Virtue is, honourable in itself, and much to be desired for it's own Sake ; but it is a Virtue so peculiarly necessary for human Society, that it is scarce conceivable how any Society can subsist without it : For the Want of Justice, if it destroys not the very Foundations of Society, at least it deprives us of all the Advantages of it, and renders such political Establishments at best but useless and undesirable Things. A State of Solitude would give more Comfort and Security, than such a State, where the just Claims of Society are defeated by cruel and unrighteous Men, and Oppressions permitted with Impunity ; But where Justice is, there the Diligent and Industrious prosper, and the Innocent dwell safely. And therefore the great Creator of Mankind, who made them for a social Life, has stamped upon their Hearts this most necessary of all social Virtues, and made it the indispensable Law of their Natures, that they should *do to others*, as they wou'd have others *do to them*. And was this Law but universally and duly kept,
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it could not fail to promote the Happiness, by it's Tendency to preserve the Order of the World: It bindeth up every Hand from doing Violence, and every Heart from forging Deceit; and guards the common Safety of Mankind with this strict Command, that we *render to all their Due, Custom to whom Custom, Honour to whom Honour, Fear to whom Fear.*

Nor let us be so deceived, as to think that our own private Interest is not equally concerned herein, with that of the Publick: For the Good of particular Persons can in no Society be distinguished from the general Good, but is always, and unavoidably, included in it. So that if we wilfully connive at, if we suffer, or neglect to correct Abuses in the Publick, we do what in us lies to lessen our own Security, and insensibly promote the Ruin of our private Interest and Prosperity.

So much Reason have we to esteem, and to endeavour to secure the Practice of this best of Virtues, if we respect only the Thing itself, and the Benefits thence resulting to ourselves, either singly considered, or in Society. But it is by the righteous and impar-

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tial Exercise hereof, that God also is most effectually glorified by us : For then only we can in any Sense be said to promote the Glory, when we strive to imitate the Excellencies of God ; and Justice being one of the principal of those moral Excellencies, which he has propounded to us as a Pattern for our Imitation, we do then in an eminent manner give him the Honour due unto his Name, when we study to be like him in this Perfection of his Nature : when they particularly, who are his Ministers for this very Thing, that is, for the Execution of Justice, endeavour to resemble him, whose Ministers they are, in being Just even as he is Just.

Another Instance which *Job* here gives us of his own Integrity, and wherein He has set us an Example, that we should follow his Steps, is his Forwardness to give Relief and Assistance to the Injured and Oppressed. *I was Eyes unto the Blind, and Feet was I to the Lamé : I was a Father to the Poor, and the Cause, which I knew not, I searched out.*— Every Man, according to his Place and Power, is both in Justice and Charity obliged to use his best Endeavours, and to lay hold on all Opportunities,

Opportunities, by all lawful Means, of helping them to Right that suffer Wrong: of protecting the Innocent from Injuries, and securing them from the Oppressions of *blood-thirsty and deceitful Men*. It is our Duty every one to exert the utmost of his Strength to deliver the Oppressed, and it is extremely criminal to be *weary, or faint in our Minds*, for fear of the Oppressors, or *forbear to deliver those who are ready to be slain*. That we may see more clearly then the Necessity of this Duty, and be animated to a chearful and conscientious Performance of it, there are various Reasons that deserve our Attention: But those which more especially demand it, and which, if we have any Sense of Religion left, will have their Influence upon us, are the Command and Example of God himself.

And First, we have God's positive and exprefs Command for this Purpose.-----It is the general and fundamental Law of our Religion, the Ground and Basis of all moral Virtue, that *thou shalt love thy Neighbour as thyself*. And how can we more effectually fulfill this second great Commandment of the Law, than by employing the Power God has put into our Hands, of what-

ever kind it be, for our Neighbour's Good ; for securing his Person from Violence, and his Property from Fraud and Rapine ?

But besides the Command of God, we have his Example also for the Performance of this Duty. This the Holy Psalmist has set clearly before us, to the End that we may be *Followers* of him herein, *as dear Children*. *Now for the comfortless Trouble's Sake of the Needy, and because of the deep Sighing of the Poor, I will up, saith the Lord, and will help every one from him that swelleth against him, and will set them at Rest.* And if the great God of Heaven and Earth, he who *bath his Dwelling so high*, does yet *humble himself to behold the simple that lie in the Dust*, and to *lift up the Poor out of the Mire* ; It can be no Disparagement sure to the Greatest upon Earth, and it is a Pleasure to reflect that there are some, who think it no Disparagement to their Greatness, to give Attention to the Welfare of their Brethren, and to hearken to the Complaints of their Fellow-Subjects : Who by the Influence of their high Examples, and the Weight of their Authorities, are doing God and their Country Service ; and of whom in Gratitude we therefore

fore needs must own, that they have justly merited the publick Thanks, for the Care and Pains they have been taking for the publick Good.

The Laws of God have made this Duty of universal Extent ; all Mankind are concerned in it : But they who are the Governours of Society, and are to act with the Authority of Magistrates for the Support of it, are more especially obliged to this Duty, to be *Followers of God* herein ; because it has pleased him to set a peculiar Mark of Honour upon Them, in that he has called them by his own Name. *I have said*, says he by the Mouth of the Royal Prophet, that *ye are Gods*, and that *ye are all the Children of the most High* : And he said it doubtless to instruct them in their Duty, and shew them the Necessity they are under of imitating his Conduct, whose Name they bear.

These magnificent Characters, as they declare the Source from whence all their Power is derived, so do they imply the Purposes for which it ought to be employed. Nothing less could be intended by such honourable Appellations, than to point out the Obligation they are under to provide for the Prosperity

perity of the World, and to endeavour in Compliance with the Will of God, and the Design of their own Appointment, to render the Situation of all Persons as secure and comfortable as possible, that they may enjoy unmolested the Fruits of their own Industry, and *lead peaceable and quiet Lives in all Godliness and Honesty.* This is the original End of Government itself, and therefore ought to be the principal Aim of Those, who are any way concerned in the Administration of it: Whatever Share they possess of the publick Authority, was given them to employ for the publick Good. And when they thus fulfill the Duties of their Station, by an impartial and wise Discharge of the high Trust that is reposed in them; when with holy *Job* they can truly say, *I have put on Righteousness and it clothed me, my Judgment is as a Robe and a Diadem;* then are they in the best and noblest Sense the *Ministers of God, and Children of the most High:* They do Honour to their Character, and are a publick Blessing to the Community, whereunto they belong.

This was the

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Second Thing I propos'd to consider: and it is a Thing that ought frequently and seriously to be considered, though it is so evident that it needs not to be proved: It ought, I say, as evident as it is, frequently to be considered, and sometimes to be inculcated upon us; because the Blessings that are constant and familiar, and those which therefore we enjoy the most, such is our Ingratitude, we are apt to think of and value least. And of this kind is the Blessing of a well established Government: We, who have the Happiness of being under it, and reap the Fruits of a regular Administration of wisely enacted Laws, can but with Difficulty conceive how miserable the Condition of Mankind would be, were there no such Laws to keep them within Bounds, and are therefore generally less sensible, than we ought to be, of the many great Advantages resulting from them. But that we may form in some sort an Idea of the wretched Effects of such a Want of Government, the Behaviour of some dissolute and abandoned Persons, which we have lately seen, and that too in a Country where they could not but have acted under some Awe of civil Justice, may

may serve, as a kind of Specimen, to teach us what savage Creatures they would be without it : What Havock and Devastation they would make upon the Earth, were they set wholly free from the Restraint of Laws, and left to follow the Imaginations of their own evil Hearts without Hindrance or Controul.

And would we but sometimes consider what manifold Inconveniencies all Societies must feel, where there is either no Government at all, or, which is next to none, an ill-established or an ill-administred one ; the Consideration certainly would be useful, to give us a proper Sense and Relish of the Blessings we ourselves enjoy under one of the best regulated Governments in the World : A Government adorned with all the Advantages, which human Frailty will allow us to expect, and which the very meanest of it's Subjects enjoy in common with those who are in the highest Stations. We are all in our proportion Partakers of these Benefits, and therefore all have Reason to thank God, the bountiful Giver of them, and to pay with due submission what I proposed as the

Last

Last Thing to be considered, a proper Regard and Reverence to those, by whom as the Instruments of his Goodness he confers these Benefits upon us.-----Nature itself instructs us that they, who discharge the difficult Functions of a State with Wisdom and Integrity, should be highly esteemed and honoured for their Work's Sake. Which natural Instruction of undepraved Reason we also find among the positive Precepts of Revealed Religion: For by the same Authority that forbids us to speak Evil of the Rulers of the People, we are enjoined likewise to give Honour to whom Honour is due. This common and easy Tribute then, which all Men are capable of paying, they have a natural and just Right to demand of all; a Right founded upon the Principles of Reason, and ratified by Religion: and therefore to defraud them of any Part of so approved a Claim, is to transgress the Bounds both of Decency and Duty.

There is nothing the World is more generally agreed in, than the Necessity of Government to obtain the Ends of Society. It was the Desire of mutual Preservation and Defence, of Protection against Wrong and Robbery,

bery, and the secure Possession of their private Properties, that was the first Inducement to Mankind to unite themselves together in distinct Societies: that they might sit every Man in Quietness under their own Vine, and enjoy safely the Fruits of their own Labour. But these, as all other Blessings and Benefits, are the Gifts of God; and Governours are the Ministers appointed by him, through whom he derives those Blessings and Benefits to the World: So that the Peace and Prosperity of Nations is owing principally, under God, to the wise Care and Conduct of their Rulers, and the prudent Administration of Government therein. Without this, all those intolerable Mischiefs must ensue, which Men's unrestrained Appetites and Passions would produce, and which unavoidably break the Bands, and are the sure Destruction of all Societies.

It is not to be expected that all the Individuals of any Community should universally agree, as to the exact Bounds and Extent of Civil Power, any more than it is, that all the different Communities throughout the World should pursue the same System, and frame their Governments upon the same Plan:

Plan : But without a due Regard and Reverence paid to those Persons, who are entrusted with the Management of publick Affairs, and a dutiful Submission to their legal Authority, the best contrived Constitutions in the World could not answer the Ends of their Establishment, nor could any of the Purposes of Life be effectually served by them.---But farther,

Every high Place of Trust and Power has it's Burthens, as well as Honours, that are inseparable from it; and the Magistrate of Justice, from the very Nature of his Office, must have his Share : He cannot in the Course of Things but incur great Enmity, and provoke all the Outrage and Resentment of evil Doers, if he be resolute in performing faithfully the Duty of his Station, and endeavouring, as that Duty obliges him, *to break the Jaws of the Wicked, and pluck the Spoil out of his Teeth.* One would think then that a Sense of Gratitude should inspire every generous Mind with an Esteem and Reverence for those who bear the Weight of so important an Employment, as the Administration of publick Justice, and the Execution of the Laws of a Kingdom. And it appears

indeed to have been the Wisdom of all Nations to treat their Characters with the most particular Regard : For from hence, 'tis probable, arose the Practice, now in universal Use, of appropriating to Magistrates external Marks of Splendour and Distinction ; that by the Distance naturally created, in the Minds of the People, by the outward Ensigns of Dignity annexed to their Office, the Reverence due to their Persons might be properly preserved, and their Authority thereby maintained and upheld.---But lest this should fail of it's Effect, and the Principle of Gratitude not have Force sufficient to secure the Practice of this Duty, the Holy Scriptures have bound it upon us by all possible Obligations.

There are no Duties that our Blessed Saviour in the Institution of his Laws had a greater Regard to, than those which arise from Civil Society, and tend to make us useful Members of the Community to which we belong. Accordingly as he laid the best Foundation for such a general Practice of Truth and Justice, as, if duly followed, would secure effectually the Properties of private Persons ; so he was particularly careful to save
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the Rights of Princes, and recommended in the strongest Terms that Obedience which is due to those, whom the Laws have appointed Rulers in every Nation. And altho', when the *Jews* maliciously accused him of Treason against the State, and impeached him before *Pilate* as an Enemy to *Cæsar* for declaring himself a King, he does not deny that he was a King, because, as he tells us, it was *for this End he was born, that he might bear Witness to that Truth*; yet to shew that he had no evil Designs against the Person of *Cæsar*, nor any Intention of interfering either with his, or any human Government whatsoever, he expressly asserts that his *Kingdom* was *not of this World*. And again, that the Rulers of the World might have no reasonable Grounds of Prejudice, no Enmity against Him or his Religion, through any Apprehension of Danger from them to their respective Governments, he enjoins it as an indispensable Duty upon all his Followers, to *render unto Cæsar the Things that are Cæsar's*, as well as *unto God the Things that are God's*. They, indeed, who are invested with the supreme Authority, and act as God's immediate Vicegerents in the World, are the Persons, in
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respect of whom this Injunction was particularly given, but it may very fairly be extended likewise, under due Restrictions, to all that are commissioned under it, and have any Share of that Authority delegated to them.

Such then is the Doctrine of the Christian Religion, as taught by the great Author and Founder of it, *Jesus Christ* himself. And his Apostles, who followed him in the uniform Practice of all those Virtues, by which Societies subsist, have both by their Precept and Example taught us the same Thing.——
St. *Paul* in his Epistle to the *Romans*, speaking of a Christian's Duty to the Civil Magistrate, commands that *every Soul be subject to the higher Powers*: And deduces our Obligation to this Duty from these two Considerations. First, that it is the Will of God: For *there is no Power, he tells us, but of God; the Powers in being are ordained of him*: it must therefore, as he then concludes, be the indispensable Duty of all Subjects to obey; because if they *resist*, they *resist the Ordinance of God*. The other Consideration is taken from the general Design of Government, which shews it to be our Interest, as well

well as Duty, to be obedient Subjects: that *he is the Minister of God to us for Good*; and that therefore in regard to ourselves we should submit to his Authority, *not only for Wrath, but also for Conscience Sake*; as being truly sensible of the Advantages of Government, that it is the *Ordinance of God*, for the *Good* of Mankind. And as an Explication of this Duty of Subjection to the higher Powers, and to teach us the Extent of our Obedience to it, *St. Peter* requires our Submission, not only to the supreme Magistrate himself, but also to all, in their Degree and Proportion, who are invested with publick Authority: *Submit yourselves, says he, to every Ordinance of Man for the Lord's Sake, whether it be to the King as Supreme, or unto Governours, as unto them that are sent by him, for the Punishment of evil Doers, and for the Praise of them that do well.*

Now these Scriptures, as they instruct us in our Behaviour towards the Persons of Magistrates, so do they teach us likewise the great Expediency and Usefulness of Magistracy itself, and shew us the Grounds and Reasons of its Institution: They inform us that Magistrates were appointed to be the
Guardians

Guardians of the publick Quiet, and had the *Sword* of Justice put into their Hands for this very Purpose, *to execute Wrath upon him that doth Evil.* And it is a melancholy Truth, which I can only publish and lament, that never was the Vigilance and Courage of the Civil Magistrate more necessary, than in these evil Days into which we are fallen: when, to say nothing of the private Vices that abound amongst us, an almost general Licentiousness is practised throughout the Kingdom, against both the common Reason and the common Interest of Mankind, and in defiance of all Authority, whether sacred or civil.

This is the unavoidable Consequence of that Contempt of Religion, which is so prevalent in this degenerate Age. Men have been so accustoming themselves to look with Scorn upon every thing relating to it, that scarce any Appearance of the Reverence due to the Supreme Being is preserved amongst us. They deride the very Notion of a wise and good God, that made and governs all Things; and in Consequence treat the Duty of attending upon his Worship, as at best but a Matter of great Indifference, whether it be observed,

observed, or no. How much the Influence and Example of some of high Rank and Condition in the World have contributed to the Propagation of these pernicious Notions, will best be left to their Consideration, in whose Power it is to stop it: But however that may be, this every Body sees; that this contemptuous Impiety is got to a prodigious Height, and has overspread, in an uncommon Manner, all sorts of People. And when this is the Case, when the Subjects of any Kingdom have thrown off all Regard to God, so as to be kept no longer within the Bounds of Duty by the Fear of divine Justice, what is there left that can procure their Obedience to earthly Rulers, or hinder them from *walking every one in the evil Imagination of their own Hearts*, from doing *Evil*, and that *continually*? Take away Religion, and the Obligation which it lays upon us to Obedience, and all human Authority must fall to the Ground. This is so apparently true, that it has been the constant Practice of the wisest Politicians in all Ages, to use their utmost Endeavours to preserve Religion, as judging it to be the only Thing that could preserve Them. And their Judgment was well grounded: For when once Religion has lost it's In-

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fluence upon the Minds of Men, and they are come to *have no Fear of God before their Eyes*, what can prevent them, upon this Supposition, from endeavouring to get loose from the Restraints of Government, and, whenever they can do it safely, throwing off their Allegiance to those whom they have no Mind should be Rulers over them?

The Rights of Princes must, in different Nations, be as different as the Laws themselves are, upon which they are founded: But be they what they will, the Claim they have to them is of divine Original, and derived ultimately from Him, who is the *Governour among the Nations; who ruleth in the Kingdom of Men, and giveth it to whomsoever he will*. As long therefore as Men retain in their Minds such a Sense of God, as disposes them to give Him his Right, they will probably not fail of giving *Cæsar* his: But whenever it happens that the divine Authority is disregarded, and God himself, and his Laws neglected, it cannot be any Wonder that the Commands of Men should be lightly esteemed. These loose and irreligious Notions then we may fairly fix upon, as one principal Cause of that Depravity of Manners, which so thrives and spreads amongst

us :

us: that having first by their Influence been divested of the Fear of God, we are come at length to have no Regard for Man. *Presumptuous* are we, and *self-willed*, and, like that profligate and abandoned People described by the Apostle, *we despise Dominions, and are not afraid to speak Evil of Dignities.* What will be the Issue of this growing Evil, or where the End of these Things will be, God only knows, who is the Disposer of all Events: That some Care should be taken to stop it's Progress, a prudential Concern for our own Safety, had we no other Inducements, renders absolutely necessary. But there are Motives of a higher Nature; the Regard we have for our Religion, Laws, and Liberties, should excite us to it; as an effectual Means to promote the Glory of God, and to secure the Peace of the Kingdom.--- And happy is it for us, that we have some illustrious Instances of Persons, who have Concern enough for both, to engage in their Behalf: and to give us Hopes however, that by this their seasonable Zeal in *doing Justice and Judgment*, they may be able, with the Blessing of Almighty God, if not to correct all the Abuses of these daring and outrageous People, at least to give a Check to their Insolence,

Insolence, and keep them within modest Bounds: that those, who will not be persuaded by the Mercy of an indulgent Sovereign, to pay him willingly that Submission which the very Design of Government gives him an undoubted Right to, a just Severity may restrain from such enormous Practices, as bring Disgrace and Danger to Government itself.

Let us then humbly request of God, that, as he has now begun to make us happy, by settling us in a State of Peace, and putting away all Fear of Danger from our Enemies abroad, he would go on to the Completion of it, by repressing our Disorders at Home. That so we, who are blessed with a wise and well-constituted Government, administered by a mild and most gracious Prince, may testify our Sense and Worthiness of so great a Blessing, by living peaceably and quietly under it: That to the Fervency of our Prayers we may add our Endeavours likewise to preserve an Establishment, which is the only Means, under God, of preserving us: And in a Word, which is the common Dictate both of Reason and Religion, that all, who share in the Benefits, may join in the Duties of an obedient People.

F I N I S.



